

GROUND FOR REMOVAL

Raquel Ibarra's Claim Presents a Federal Question

3. This Court has original jurisdiction over this matter by virtue of 28 U.S.C. §1331 because the matter involves a claim arising under the laws of the United States of America. Raquel Ibarra seeks relief under 42 U.S.C. § 1981 due to her allegations of racial discrimination and retaliation under a federal law. *See*, Plaintiff's Third Amended Petition attached hereto as *Exhibit 1*, at Paragraphs 85-96.

VENUE

4. Venue for this action is proper in the Dallas Division of the Northern District of Texas because that is the district and division where the underlying state court action is pending. 28 U.S.C. § 1446(a).

REMOVAL IS TIMELY

5. Jacobs was first served with Plaintiffs' Third Amended Petition with the new Federal court claims on May 16, 2019. *See Exhibit 1* (file-marked copy of the Third Amended Petition). Defendant timely answered in State Court on May 30, 2019. This notice of removal is being filed within 30 days of the original service date. This notice of removal is timely under 28 U.S.C. § 1446(b).

ATTACHMENT OF STATE COURT PLEADINGS

6. A complete copy of the state court file, including the docket sheet, is attached hereto as **Exhibit 2**.

NOTICE OF REMOVAL GIVEN TO STATE COURT

7. A Notice of Removal to Federal Court is being filed in the 95th Judicial District Court of Dallas County, Texas, as of this filing with the United States District Court for the

Northern District of Texas, Dallas Division. A copy of the Notice provided to the state court is attached hereto as **Exhibit 3**.

JURY DEMAND

8. Plaintiffs have made a jury demand.

CONCLUSION

9. This court has original jurisdiction over this matter under 28 U.S.C. § 1331 and § 1441, because the new allegations asserted in the Third Amended Petition as to race discrimination and retaliation by the new individual Plaintiff, Raquel Ibarra, create a new federal question. This action may be removed to this Court under 28 U.S.C. § 1441(a) and § 1446.

WHEREFORE, under and in accordance with 28 U.S.C. § 1446, Defendant removes this action from the 95th Judicial District Court of Dallas County, Texas to this Court on this 17th day of June, 2019.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2019, a true copy of the foregoing “*Defendant’s Notice of Removal*” has been served via electronic mail to all counsel of record as follows:

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